

RECOMMENDED: 16 FOR, 0 AGAINST, 1 ABSTAINED

## **HUNTING WITH HOUNDS IN VIRGINIA: A WAY FORWARD STAKEHOLDER ADVISORY COMMITTEE**

### **PROPOSED STRATEGY: EDUCATION/TRAINING PROGRAM**

#### **PROPOSED STRATEGY**

Educational materials regarding hunting with hounds should:

- Be made available in multiple formats (web-based, paper, other media as appropriate)
- Target educational needs of hunters and landowners separately
- For hunters, emphasize changes in society that dictate the need for change, respect for landowners, best practices and define what is acceptable and what is not
- For landowners and nonhound-hunters, increase understanding of hunting with hounds (including what a hunting hound in good condition looks like and how tools like telemetry collars, fox hunting training facilities and two-way radios help to resolve conflicts between hound-hunters and others) and awareness of local culture and what to expect when you live in the country

#### **STRENGTHS**

Well designed education programs should help to resolve conflicts between hound-hunters and landowners by addressing behaviors that cause problems in a proactive fashion. Hunters who become educated about what causes the most problems with landowners may be less apt to engage in those behaviors and to exert peer pressure on other hunters to do the same. Landowners who learn more about hound-hunting when it is properly done may be more apt to work out problems with hunters than to seek elimination of hound-hunting. Collaborative development of education programs about hunting with hounds should help to increase understanding and tolerance among hound hunters, other hunters, landowners and nonhound-hunters. Hunters who have successfully completed a training course may increase their chances of gaining access to lands if they can demonstrate it to landowners.

#### **WEAKNESSES**

One of the major weaknesses of an education approach is that landowners have little incentive to participate because they perceive themselves as victims of illegal or unethical behavior. They believe the burden of education should be on hunters. Education also is a long-term process that does not promise quick resolution of existing conflicts.

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**PROPOSED STRATEGY: CODE OF ETHICS**

**PROPOSED STRATEGY**

Develop a code of ethics for hound-hunters that outline expectations for ethical behavior and best practices. The code could be drawn from existing codes of ethics used by hound hunting organizations and should address:

- Ethics and practices for developing positive relationships with landowners
- Following game laws and regulations
- Practices that promote proper treatment of hounds
- Practices that promote humane treatment of quarry
- Practices that reduce traffic/road-related conflicts

Codes of ethics could be adopted, endorsed, and/or promoted at many levels (i.e., statewide organizations, local hunt clubs, individuals) to help increase awareness and compliance. Items included in any code should be specific to the type of hunting engaged in and important issues in a particular locality.

**STRENGTHS**

A code of ethics sets the bar for behavior in a group, organization, or between individuals. A code of ethics would help to establish what practices and behavioral norms are acceptable for hunters, landowners, hunting organizations, and outside organizations. For example, a code of ethics adopted by a statewide hound-hunting organization would help to establish behaviors that promote a positive image of hound-hunting; a local hunt club could adopt a code of ethics and expel individuals who do not subscribe to the code; individuals or clubs can provide ethics codes to landowners to establish expectations for behavior as a condition of a lease.

In setting the bar for behavior, a code of ethics would help to promote communication and mutual respect within the hound-hunting community and with landowners. A code of ethics would help to identify and raise awareness about crucial issues and, if inclusive and adhered to, could help to address many issues identified in this public input process related to trespass, retrieval, hound trespass, road hunting, traffic, personal safety, and visibility of unsportsmanlike behavior.

Many groups already have a code of ethics that is formally adopted or informally practiced. Most stakeholders are familiar with this concept and many are likely to support the establishment of acceptable practices and behaviors.

#### WEAKNESSES

The primary weaknesses with the establishment of a code of hound-hunting ethics is that it is voluntary and there may be little incentive to comply, depending on what organizations, clubs, or individuals elect to do to hold people accountable. In addition, with this type of approach, it will likely take a long time to realize its positive effects. Finally, implementation of this strategy may require extensive coordination between hunting and landowner organizations, associations, and individuals.

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**PROPOSED STRATEGY: HOLD VIOLATORS ACCOUNTABLE**

**PROPOSED STRATEGY**

It is recommended that members of the hound-hunting, nonhound-hunting, and landowner community hold accountable those who violate game laws and regulations or act in unsportsmanlike, unethical ways by:

- Participating in the investigation and/or prosecution of complaints
- Establishing and enforcing penalties and/or taking away privileges for engaging in bad behavior
- Establishing accreditation for members of associations, organizations, or clubs
- Creating an easy avenue for complaints to be filed
- Mandating additional education for egregious or repeat violations of game laws and/or regulations

**STRENGTHS**

Holding individuals accountable for poor behavior and unlawful actions would be a less expensive way to increase enforcement of existing laws and address conflicts. Implementation of this strategy would help to raise the bar for sportsmanlike behavior and address issues related to trespass, road hunting, violations of the right-to-retrieve law, and visibility of unethical or unsportsmanlike behavior.

**WEAKNESSES**

The primary concern with this strategy is that it may be difficult for hunters and landowners to confront or sanction friends, neighbors, fellow club members without damaging relationships or being put in an uncomfortable position. In addition, this strategy might not address renegade individuals or individuals who are not affiliated with a club, organization, or group.

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**PROPOSED STRATEGY: IMPROVE LAW ENFORCEMENT**

**PROPOSED STRATEGY**

Improve enforcement of all laws and regulations by increasing the number of conservation police officers (CPOs) employed by the Virginia Department of Game and Inland Fisheries (VDGIF), increasing coordination between VDGIF CPOs and other enforcement agencies, and providing better training to all enforcement agency personnel.

While the specific increase in staffing needed is not known, the Hunting with Hounds Stakeholder Advisory Committee (SAC) recommends that additional staffing include officers in the field, dispatchers, and support personnel (e.g., database managers). In addition, the SAC recommends that additional field staff be concentrated in problem areas during specific times of the year.

Although VDGIF CPOs and other law enforcement agencies currently engage in some coordinated efforts, additional coordination is needed especially related to officer dispatch resulting from calls to 911 or local law enforcement, specific problem areas, and training on laws and regulations as they apply to situations related to hunting with hounds (i.e., right to retrieve, trespass). Increased coordination also is needed to better track complaints and violations related to hunting with hounds (see Strategy on Better Record Keeping).

The SAC recommends that training for all wildlife professionals (VDGIF CPOs, biologists, managers, etc.) include specific modules on the culture, tradition, and practices of the various disciplines of hound-hunting. In addition, training for VDGIF and local/911 dispatchers should include content specific to hunting with hounds to enable prioritization of calls and increased efficiency in the delivery of information to the appropriate responding agency.

**STRENGTHS**

These strategies would address several concerns expressed during this public input process. Many stakeholders have complained of slow response time of law enforcement officers which would be directly addressed by having additional CPOs in the field, more proficient and efficient dispatchers, and better coordination between agencies. It is likely that unlawful/unethical behavior is enabled by reduced law enforcement presence or lack of coordination between agencies. Increased CPO presence in the specific problem areas and in the field in general would likely deter some unlawful or unethical behaviors, and could improve the image of hound hunters.

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Enhanced understanding of laws and traditions related to hunting with hounds by all wildlife professionals, dispatchers, and law enforcement officers would improve prioritization of complaint calls, response time, and increase the effectiveness of responding officers from all agencies. Improvements to law enforcement as described above might also help to address specific issues including violations of Virginia's right-to-retrieve law, traffic complaints related to hound hunting, and unlawful hunting from the road.

In addition, CPOs, in their communications with stakeholders, may help to build relationships, explain game laws and regulations, promote wildlife and wildlife related activities, encourage ethical behavior, and resolve conflicts through mediation. All of these activities play a critical role in addressing misunderstandings between hound-hunters and non-hound hunters and landowners and may improve the image of hound-hunters.

Increased law enforcement has been used effectively. Increased presence and enforcement crack downs in South Side Virginia have been able to address issues related to hunting with hounds during specific times of the year and in specific localities (R. Henry, VDGIF CPO, personal communication).

### WEAKNESSES

Although improved law enforcement would both directly and indirectly address several concerns and issues identified during the *Hunting with Hounds in Virginia: A Way Forward* public input process, it is not a complete and comprehensive solution. Some specific issues and concerns expressed by stakeholders might not be addressed, improvements would be costly, and there are few benchmarks available with which to evaluate its success.

Hound trespass, the right-to-retrieve, and, in some localities, hunting from the road are lawful activities. However, private landowners and non-hound hunters have expressed widespread concern with these activities. Increased law enforcement of existing laws will not address concerns with lawful activities and sanctioned practices that commonly cause conflicts between hound-hunters and landowners.

Retention of VDGIF CPOs is low as trained officers retire or elect to work for another agency (often because they can earn a higher salary elsewhere). In addition, legislatively set limits may not support increases needed to see results in the field. Recent budget cuts may not enable immediate or sufficient implementation of this solution unless new funding is allocated specifically for this purpose. In addition to the cost of employing additional CPOs in the field, there will be additional costs associated with increased staffing of support staff. Further, although training VDGIF CPOs on hound-hunting traditions and practices is likely to be relatively inexpensive, costs associated with training staff in other agencies are unknown.

Finally, existing inefficiencies in the way complaint/violation data is collected will limit capacity to evaluate the effectiveness of improving law enforcement. Improvements to data collection and record keeping may help to address this limitation (see strategy on Better Record Keeping).

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**PROPOSED STRATEGY: BETTER RECORD KEEPING**

**PROPOSED STRATEGY**

Improve record keeping on violations and complaints received by Virginia Department of Game and Inland Fisheries (VDGIF) Conservation Police Officers (CPOs), VDGIF staff, dispatchers, local law enforcement agencies, and local animal control. The SAC recommends that more comprehensive, consistent, and standardized records be kept for example:

- Disposition of violations (i.e., were tickets issued, convictions made, charges dropped, etc.)
- Geographic location
- Victim/complainant
- Violators

Of issues related to hunting with hounds, better record keeping for those related to traffic violations/complaints, trespass violations/complaints, lost/abandoned dogs, and hunting from the road is especially needed. Data collection should be incorporated into existing database frameworks (i.e., CAD, STARS) where possible. Finally, data should be easily retrievable by law enforcement agencies and the VDGIF.

**STRENGTHS**

It is anticipated that collecting more specific information about complaints/violations would help to:

- Better define problems to confirm and/or prioritize issues related to hunting with hounds
- Identify problem areas and focus limited resources
- Establish baseline data to track trends and evaluate the results of other actions
- Identify loopholes in existing laws/regulations
- Identify where insufficient law enforcement resources exist and justify additional support on a local and statewide scale
- Improve convictions, providing resolution for victims and, indirectly, deter unlawful behavior
- Ensure consistency and standardization to enable more powerful analysis in support of decision-making
- Differentiate between legitimate and unfounded violations of laws/regulations

Conservation police officers on the VDGIF Technical Committee anticipate that some of the improvements above could be incorporated into existing data management frameworks (i.e., CADS, STARS). Many complaints are made to wildlife professionals on the VDGIF staff who are not CPOs.

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These complaints are not necessarily forwarded to dispatch; however better record keeping on them may help to achieve several of the objectives listed above.

#### WEAKNESSES

Implementing the improvements in record keeping outlined above will require additional support staff for law enforcement agencies (e.g., database managers), computer resources, and coordination between agencies. Additional record keeping could increase administrative time for law enforcement officials thus taking time away from field activities.

Interpretation of data could generate misleading conclusions. The absence of data does not necessarily mean there are no problems. All complaints made to the VDGIF and other agencies are legitimate—even those that do not involve violations of laws or regulations.

Conservation Police Officers on the VDGIF Technical Committee felt that this strategy might be implementable in-house, but cautioned that widespread adoption of standardized record keeping to specifically address issues related to hunting with hounds could be challenging, especially the coordination of record keeping with other law enforcement agencies that have different priorities and limited resources. As previously noted, many complaints are made to wildlife professionals on the VDGIF staff who are not CPOs, and therefore do not necessarily go through existing dispatch channels. Implementation of better record keeping for complaints made to VDGIF biologists and managers would require an additional commitment of resources to create a database system, develop protocol, and train staff.

Finally, collecting more comprehensive records on complaints and violations related to hunting with hounds may make hound-hunting stakeholders feel persecuted or give the impression that the VDGIF is disproportionately soliciting complaints about hunting with hounds. These impressions could weaken the relationship that the VDGIF has with their hunting constituents, degrade trust, and compromise capacity for future collaboration.



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**PROPOSED STRATEGY: INCREASED FUNDING FOR LAW ENFORCEMENT**

**PROPOSED STRATEGY**

Seek permanent, new funding for Virginia Department of Game and Inland Fisheries (VDGIF) law enforcement to support the implementation of strategies related to increased law enforcement and better record keeping. Implementation of these strategies being recommended by the Hunting with Hounds in Virginia Stakeholder Advisory Committee (SAC) will require additional resources; existing funding sources are likely insufficient and many of the agency's existing sources of funding prevent significant reallocation of funding within the agency. The burden of funding law enforcement should be born equitably by all users of wildlife resources; the hunting and fishing public should not be solely responsible for providing additional monies.

**STRENGTHS**

Increased funding for law enforcement would help to directly and indirectly address several issues identified during the *Hunting with Hounds in Virginia: A Way Forward* public input process by increasing the number of officers in the field, increasing the number of support staff serving critical roles in dispatch, database management and other capacities, improving training, and improving record keeping. Issues that would potentially be addressed through increased funding include:

- 3.1. In many parts of Virginia, law enforcement agencies lack the resources to respond to conflicts in a timely manner.
- 3.5. Reduced law enforcement presence and/or lack of coordination between law enforcement agencies in some areas may enable unlawful or unethical hunting practices to occur.
- 7.4. Hunters who chase one game species (e.g., deer) outside of the legal season under the guise of chasing another species (e.g., fox) are in violation of the law.
- 2.1. Land use changes such as development of rural lands, shrinking parcel sizes, land ownership turnover, and property access restrictions reduce land available for hunting and increase opportunities for conflicts between hunters, landowners, and other recreationists.
- 5.7. Hounds are sometimes illegally retrieved when hunters drive onto or carry weapons onto private land without permission.
- 3.4. Interpretation and enforcement of trespass/retrieval laws are often poorly understood and complicated for landowners, hunters, law enforcement agents, and the judicial system.

Obtaining additional funding for law enforcement through alternate avenues would ensure that resources are consistently available for investment in ongoing strategies like increased staffing and training.

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Finally, additional funding would likely help to recruit and retain high caliber VDGIF Conservation Police Officers.

#### WEAKNESSES

There are few weaknesses associated with increases in funding for law enforcement. The primary concerns associated with this strategy are:

- Depending on the source, funding may not be guaranteed, consistent, or sufficient enough to improve law enforcement or record keeping,
- Depending on the source, funding could broaden the constituent base of the VDGIF,
- May require an increase in taxes which could sour public attitudes about hunting and fishing, and
- Funds may not be used on the priorities identified during this public input process.

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**PROPOSED STRATEGY: CHANGE HUNTING/TRAINING SEASONS**

**PROPOSED STRATEGY**

Change hunting/training seasons to:

- Provide a training season for deer hounds on private land with permission, at a time where it avoids conflict with other hunting seasons
- Provide for overlap of hunting and training for all types of hound-hunting to the greatest extent possible
- Provide for a period where there would be no hound-hunting or training, with few exceptions

Possible exceptions to synchronized training seasons and the period without hound-hunting or training might include permitted raccoon hound-hunting competitions and organized mounted fox hunts, provided that the later could be differentiated from deer-hound training/hunting under false pretenses.

Specific dates should be determined during a formal Virginia Department of Game and Inland Fisheries rule-making process but should avoid allowing hound-training or hunting during times when wildlife are breeding and/or rearing young.

**STRENGTHS**

The primary strength of this strategy is to close loopholes in hunting/training season regulations that currently allows for deer hound-hunters to train under the guise of fox hound-hunting or for bear hound-hunters to train under the guise of raccoon hound-hunting. By synchronizing hound training and hunting seasons, regulations governing hound-hunting would be greatly simplified and easier to interpret for hunters, landowners, and law enforcement officers alike.

**WEAKNESSES**

There are a few weaknesses with this strategy, including:

- May require the ability to differentiate between hounds used for different types of hunting
- May increase noise disturbances, trespass, and retrieval issues associated with hunting with hounds
- Would require coordination with other public land managers

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**PROPOSED STRATEGY: ID SYSTEM FOR HOUND HUNTERS/HOUNDS**

**PROPOSED STRATEGY**

It is recommended that some type of hound identification be established that links hunters, hunt clubs, and dogs. External identification (vs. micro-chip) is favored because it would allow dog-owner contact information to be obtained by landowners, animal control, or law enforcement officials without the use of special equipment.

**STRENGTHS**

The primary strength of this strategy would be to increase accountability of hound-hunters by linking them with their dogs, which could increase compliance with existing laws, promote ethical practices, and make prosecution of unlawful individuals more efficient. Many hound-hunters currently use collars with ID tags on them, so obtaining proper identification would not be a financial hardship for most hound-hunters.

Mandating external identification on hounds would address issue 7.10: Intentionally releasing hounds to go onto property where they are not wanted is unethical and disrespectful. By providing a way to identify the owner of a dog running on property where it is not wanted, landowners have additional information with which to contact and communicate with hound-hunters. Identification could also enable quicker retrieval of hounds, reducing the duration of disruption caused by hounds on property where they are not wanted.

**WEAKNESSES**

Although putting identification on dog collars is commonly practiced by hound-hunters and is recommended here, collars are occasionally removed and discarded or put onto other dogs by ill-intentioned landowners. This type of activity would effectively thwart any benefits potentially obtained from a system aimed at linking hounds to hunters and/or hunt clubs and stiffer penalties for removing the collar off a hunting dog may be needed as a deterrent.

Finally, although this strategy could indirectly address issues associated with "hound trespass" (intentional and unintentional running of hounds on private property where they are not wanted), these activities are not in violation of any laws or regulations and there are no disincentives to engaging in them.

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**PROPOSED STRATEGY: HUNTING FROM OR NEAR ROADS**

**PROPOSED STRATEGY**

Establish a statewide, minimum setback distance from public roads in which hunting would be prohibited. This no-hunting zone should be defined so that hound-hunters who have permission to can initiate a hunt after pulling off the road, but prevent the release of hounds onto private property without permission.

**STRENGTHS**

Implementation of this strategy would address some high priority issues identified during this public input process including:

- 1.5. Inconsistent local ordinances that govern hunting from roads or rights-of-way cause confusion for hunters, other citizens and law enforcement officials.
- 7.1. The highly-visible unethical behaviors of some hound-hunters may give the impression that all hunters are unethical.
- 7.10. Intentionally releasing hounds to go onto property where they are not wanted is unethical and disrespectful.

This strategy would help to simplify laws that govern road hunting, would reduce traffic-related conflicts between hound-hunters and other drivers, would curtail hound trespass issues in some places, and would reduce the visibility of hound-hunting which is contributing to a negative image of the sport. Further, if implemented, this strategy would address concerns with safety related to driving with loaded weapons, shooting on or near roads, and blocking traffic.

**WEAKNESSES**

There are few weaknesses with this strategy. Primary concerns are that the no-hunting zone be defined to achieve the objectives of the strategy (i.e., to reduce shooting on or near roads, releasing hounds onto private land without permission, and blocking traffic). This strategy would not address concerns related to "lining the roads" to retrieve hounds. In addition, Virginia Department of Game and Inland Fisheries biologists were concerned that implementation of this strategy might reduce the acreage available for hunting in some areas (particularly urban/suburban areas that have problems with overabundant deer) so that it would be more challenging to achieve deer management objectives.

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**PROPOSED STRATEGY: REPEAL/MODIFY VIRGINIA'S RIGHT-TO-RETRIEVE LAW**

**PROPOSED STRATEGY**

Modify Virginia's right-to-retrieve law to require:

- Permission to retrieve hounds from posted private property,
- Landowners to thoroughly post property with contact information, and
- Private property that is not properly posted is presumed open to retrieval.

It may be necessary to make exceptions to these modifications for treeing hounds (i.e., raccoon, bear, fox hounds) that are trained not to leave quarry unless called off by hunters.

**STRENGTHS**

This strategy would enable retrieval of hounds—needed for humane treatment of both the hound and the quarry—and would address some of the primary issues identified during this public input process:

- 5.2. There are conflicts between a hunter's right to retrieve hounds and a landowner's right to control access to private land.
- 3.4. Interpretation and enforcement of trespass/retrieval laws are often poorly understood and complicated for landowners, hunters, law enforcement agents, and the judicial system.
- 6.2. Hounds may disrupt nonhound-hunting opportunities.

Implementation of this strategy would effectively close the loophole in the right-to-retrieve law that currently enables hound-hunters to access private land under the guise of looking for a dog to hunt that property, or drive game species off of that property onto another where they do have permission to hunt.

Requiring permission to retrieve hounds on private land would remove the element of surprise for private landowners and help to empower landowners who currently feel that private property rights are subverted by the existing right-to-retrieve law. These modifications would also address issues associated with personal safety for private landowners using their property for various outdoor activities because they would know to expect hound-hunters or have the option to control property access.

This strategy would promote communication between hound-hunters and private landowners, helping to reduce conflicts through an exchange of understanding, information, and perspective. Relationship-building like this could help to familiarize nonhound-hunters with the traditions, culture, and positive attributes of hound-hunting and create more widespread support for hound-hunting practices.

NOT RECOMMENDED: 7 FOR, 10 AGAINST, 0 ABSTAINED

There is ample precedence for modifications like the ones proposed here. Virginia is the only state that has a right-to-retrieve law; several other states throughout the country allow hound-hunting and require permission to retrieve hounds.

#### WEAKNESSES

There are a few weaknesses to this strategy. Implementation of this strategy may be unacceptable to hound-hunters who are comfortable with the status quo. In addition, there could be some landowners who object to having to provide contact information on posted signs or allowing retrieval at all. This strategy could be difficult to implement in places with many small properties, as hound hunters would potentially need permission from many landowners and in places with large parcels, as landowners would be burdened with maintaining a lot of signage. In addition, it may be difficult for hound hunters to obtain permission from absentee landowners. Finally, the Virginia Department of Game and Inland Fisheries could lose some license sales from bear hound hunters who come to Virginia because the existing right-to-retrieve law is more favorable to hound hunting activities than retrieval requirements of neighboring states like West Virginia.

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### **PROPOSED STRATEGY: INCREASED PENALTIES AND FINES**

#### **PROPOSED STRATEGY**

Increase penalties and fines for game law and regulation violations to increase compliance with existing laws and regulations, especially those related to high priority issues like trespassing, violations of Virginia's right-to-retrieve law, road hunting, traffic violations, and hunting out of season. Repeat offenders should be dealt with harshly. Minimum, mandatory penalties should be established for violations, especially those associated with high priority issues, as listed above. Additional mandatory education for violators is also recommended. Finally, public information campaigns should be developed that inform stakeholders about increased penalties in order to encourage compliance with existing laws and regulations and deter unlawful behavior.

#### **STRENGTHS**

Increased penalties and fines for violations would serve as a strong deterrent to unlawful behavior and would elevate the behavior of hunters who have been engaged in unlawful activities. Encouraging compliance with existing laws through stronger penalties would address some high priority issues identified during this public input process including:

- 7.4. Hunters who chase one game species (e.g., deer) outside of the legal season under the guise of chasing another species (e.g., fox) are in violation of the law.
- 5.7. Hounds are sometimes illegally retrieved when hunters drive onto or carry weapons onto private land without permission.
- 3.4. Interpretation and enforcement of trespass/retrieval laws are often poorly understood and complicated for landowners, hunters, law enforcement agents, and the judicial system.

Minimum, mandatory fines would provide satisfaction for victims and send a clear message to all stakeholders about the seriousness of these types of violations.

#### **WEAKNESSES**

Establishment of stiffer penalties for violations, as described above, would not address conflicts between hound-hunters and others that result from lawful activities and sanctioned practices. Further, increasing penalties may elevate the status of some issues relative to other infractions, and it would be important to ensure that the "fine fits the crime". Similarly, although minimum penalties could be established, judges may avoid convicting offenders if they feel the penalty is too high. Judges may oppose establishment of mandatory sentences, as they prefer to have judicial discretion in sentencing.



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Implementation of this strategy has the potential to increase stress on a law enforcement and judicial system that is already running at capacity and is not likely to be successful without also increasing resources for law enforcement and providing training for officers, dispatchers, others in the legal/judicial system about the nuances of game laws and regulations.